

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE G.BHAVANI PRASAD**

WRIT PETITION No.23759 OF 2006

Between:

M/s.Naveen Sri Electricals, Karimnagar,
Rep. by its Partner Ch.Ravindar.

..... PETITIONER

AND

The Commercial Tax Officer,
No.1 Circle, Karimnagar.

....RESPONDENT

**THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
G.BHAVANI PRASAD**

WRIT PETITION No.23759 OF 2006

**O R D E R
(Per Sri Justice J.Chelameswar)**

This writ petition is filed with a prayer as follows:

“ ... Hon’ble Court may be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action on the part of the respondent herein namely the Commercial Tax Officer, No.I Circle, Karimnagar in issuing the notice of VAT in Form-305A dt.18-5-06 and the assessment of VAT in Form VAT-305 dt.5-10-06 levying tax, penalty and interest in a composite order without mentioning any reasons of whatsoever nature and being cryptic, bald and vague and suffering from the vice of non application of mind, as illegal, arbitrary, improper, unfair and opposed to the law laid down by this Hon’ble Court in 42 APSTJ 77 and 147 STC page 462 and set aside the same and grant such other ...”.

The petitioner is a partnership firm carrying on the business of purchase and sale of electrical goods and is a registered dealer under the provisions of A.P.VAT Act, 2005. For the period commencing from 01.01.2006 upto 31.03.2006, the respondent issued a show-cause notice proposing to assess the petitioner to tax under the A.P.VAT Act to the tune of Rs.1,63,859/- and called upon the petitioner to file objections, if any. It must be stated here that the notice itself is absolutely laconic and it does not indicate any reason as to why such a proposal is made. Subsequently, a final order dated 05.10.2006 came to be passed

confirming the proposal as stated in the show cause notice and the petitioner's liability was fixed at Rs.1,63,859/-. The assessment order is equally bereft of factual details and the reasons on the basis of which such conclusions are arrived at. Hence, the present writ petition.

Heard the learned Government Pleader.

It is settled law that administrative decisions affecting the rights of the citizens are required to be supported by reasons. In the instant case, the show cause notice and the assessment order suffers from such 'vice'. This Court has no option but to express its inability to approve such a process. The impugned order is therefore set aside. However, it is open to the respondent to take action in accordance with law, if it is so advised.

The writ petition is accordingly allowed at the admission stage itself.

JUSTICE J.CHELAMESWAR

JUSTICE G.BHAVANI PRASAD

8th DECEMBER, 2006
PGS

**THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
G.BHAVANI PRASAD**

**WRIT PETITION No.23759 OF 2006
(Per Sri Justice J.Chelameswar)**

8TH DECEMBER, 2006